

Clarification on . . .

DEVELOPMENT PRECEDING JUNE 3, 1997

In the Residential Site Improvement Standards

The Residential Site Improvement Standards (RSIS) do not require that developments built before the rules became operative (June 3, 1997) be improved to meet the standards. This is true even when a proposed development relies on an existing development for its street network, sanitary sewer system, water supply system, or stormwater management system.

For example, if an existing stub street is being extended to accommodate a new development, and the existing and proposed street segments form a cul-de-sac that has an average daily traffic (ADT) of over 250 trips, a question arises about how to apply the cul-de-sac provisions of the standards. Cul-de-sacs are special purpose streets and the ADT served is limited to 250. The ADT should be limited based on the ADT of the street segment that serves the proposed development, not the ADT of both the proposed and existing developments. Similarly, if a proposed development will use the stormwater collection system from an existing development, the pipe sizes in the RSIS would only apply to the pipes in the new development. The RSIS do not require that the pipe sizes in the existing development be resized to meet the standards. This is true even for those pipes in the existing development that will receive additional flow from the proposed development.

The mechanism for making the necessary improvements to the existing portion of the development is contained in the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D. N.J.S.A. 40:55DB 42 addresses off-tract improvements to water supply systems, sewer systems, drainage facilities, and streets. The MLUL allows municipalities to adopt ordinances that require the developer, as a condition of subdivision approval, to pay his pro-rata share of the cost of providing only reasonable and necessary street improvements and water, sewerage, and drainage facilities, and easements therefor, located outside the property limits of the subdivision or development but necessitated or required by construction or improvements within such subdivision or development. When such off-tract improvements are made to infrastructure that serves residential development, the required improvements should not exceed the requirements found in the RSIS.

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Approved by the Site Improvement Advisory Board 10/26/00
Amended 4/19/01